



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Code of Ordinances be amended as follows:

**PART I. General Provisions**

Chapter 4, *AMUSEMENTS, ENTERTAINMENTS, MASS GATHERINGS AND COMMERCIAL-OUTDOOR RECREATIONAL USES* of the Code of Ordinances shall be replaced in its entirety as follows:

**Chapter 4, CROWD GATHERING ACTIVITIES AND GROUP DEMONSTRATIONS**

**ARTICLE I. CROWD GATHERING ACTIVITIES**

**Sec. 4-1. Definitions**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Crowd gathering activity* means an organized activity, for a specific duration of time, on public or private lands, which may include amplified noise, food, beverage, merchandise, and/or other forms of entertainment. Examples include festivals, performances, parades, running events, markets, tournaments/contests, or other similar activities. Crowd gathering activities typically consist of the following:

- a) Temporary uses of land, buildings, and structures not intended to be of a permanent duration;
- b) Uses that are intended to, or likely to, attract substantial crowds, participants, and/or spectators;
- c) Uses that are advertised and/or open to the general public; and
- d) Uses that are unlike customary or usual activities generally associated with the principal use of the property where the crowd gathering activity is to be located.

**Sec. 4-2. Permits for Crowd Gathering Activities.** Any crowd gathering activity that meets any of the criteria listed below shall not be held, commenced, or advertised until such time as a crowd gathering permit is applied for and issued in accordance with this article:

- (1) An expected total attendance of 100 or more persons;
- (2) Use of the public right-of-way or closure of a street;
- (3) Location on the public beach;
- (4) Use of fireworks, pyrotechnics, or open flame performances;
- (5) Use of special amusement buildings or rides; and
- (6) A concert or live performance with use of an amplified sound system.

**Sec. 4-3. Crowd Gathering Permit Tiers.** Crowd gathering permit requirements are defined according to the following three tiers:

- (1) Tier I: Lowest impact activities that take place in off-street venues; have fewer than 250 total attendees; affect a minimal number of residents or establishments; and have no significant activity infrastructure. A Tier I activity cannot include any of the following:
  - a. Use of the public right-of-way
  - b. Use of fireworks, pyrotechnics, or open-flame performances
  - c. Use of special amusement buildings or rides
  - d. A concert or live performance with the use of an amplified sound system
  - e. Use of temporary structures that would require inspection by the building inspector or fire marshal
  - f. Activity location on the public beach
- (2) Tier II: Medium impact activities that take place in off-street venues and/or close only one street; have at least 250 but fewer than 750 total attendees; affect a minimal number of residents or

establishments; and have no significant activity infrastructure. A Tier II activity cannot include or require any of the following:

- a. Activity attendance of 750 or more people
  - b. Use of fireworks, pyrotechnics, or open-flame performances
  - c. Use of special amusement buildings or rides
  - d. Closure of more than one street
- (3) Tier III: Highest impact on the community, which may involve the closure of multiple streets; closure that inconveniences numerous residents or establishments; excessive noise; attendance of 750 or more people; and significant activity infrastructure that requires inspection and permitting. Any crowd gathering activity not meeting the requirements of Tier I or Tier II shall be classified as a Tier III crowd gathering activity.

#### **Sec. 4-4. Crowd Gathering Permit Management Responsibility.**

The Town Manager's Office serves as a liaison between Town departments, activity organizers, and members of the community as it oversees organized activities through the coordination of town-wide functions. Organizers of crowd gathering activities that require a crowd gathering permit will submit an application to the Town Manager's Office. The crowd permit coordinator, as designated by the town manager, will be the primary point of contact for all crowd gathering activities covered in this chapter. They, along with a crowd permit review team, which includes the town manager, police chief, fire marshal, planning and development director, public services director, chief building inspector, or their designees, will review each activity, as needed, for compliance. The Town Manager's Office shall either approve a crowd gathering activity permit or may place conditions upon, reschedule, relocate, or deny any requested crowd gathering activity that is deemed to be inconsistent with the requirements of this ordinance.

#### **Sec. 4-5. Permit Application Requirements.**

- a) Application. A permit application, if required under Section 4-2 of this section, shall be submitted to the crowd permit coordinator.
- b) Submittal Timeframe. Crowd gathering activity applications must be submitted no later than the dates specified below and will be accepted no more than one year prior to the date of the activity. Submission of an application does not guarantee the issuance of a permit. Applications are not considered submitted until the application fee has been received.
  - (1) Tier I: No later than 15 days prior to the event
  - (2) Tier II: No later than 60 days prior to the event
  - (3) Tier III: No later than 90 days prior to the event
- c) Application Contents. Applications should include the following information:
  - (1) The name and address of the applicant, person, group or organization;
  - (2) The name and address of the person, organization or association sponsoring the activity, if any;
  - (3) The date(s) and hours for which the permit is desired;
  - (4) A detailed site plan that includes:
    - a. Boundaries of main activity and entire site;
    - b. Location of any vendors/concessions;
    - c. Location of parking areas and traffic circulation plan;
    - d. Location of medical services;
    - e. Location of signage (all signs must comply with the Nags Head Unified Development Ordinance);
    - f. Location of sanitary facilities;
    - g. Location and dimensions of tents, canopies, stages, or inflatables (An additional permit may be required in accordance with the provisions of the NC State Building and/or Fire Prevention Code); and,
    - h. Location of electrical sources and/or generator system and size.
  - (5) An estimate of the anticipated total and peak attendance to include participants and spectators. If the event requires registration or if tickets are being sold, total registrations or tickets to be sold must be listed;
  - (6) In summary format, the general plan for the event or activity, to include the following items:
    - a. Crowd control procedures;
    - b. Traffic control;
    - c. A parking and transportation plan demonstrating that adequate parking and access will be provided to serve the reasonably anticipated attendance of the event. The plan may include a

combination of on-site and off-site parking areas, supported by written permission from the property owner documenting the number of available excess spaces, as well as transportation options such as shuttle service, ride-share staging areas, or other measures; (Use of "NO ACTIVITY PARKING" signs may be required for neighboring businesses to ensure parking for their patrons.);

- d. The impact of the performance or activity on existing parking areas, streets, highways and the burden placed upon public agencies for traffic and crowd security and control;
  - e. The effects of such performance or activity on fire control and fire prevention, including safety precautions;
  - f. Provisions for emergency medical services and first aid; (The Town reserves the right to require these services.);
  - g. Provisions for collection and disposal of solid waste - including trash, recycling, and human waste – and for the provision of sanitary facilities; and
  - h. Provisions for returning the site to its pre-activity conditions including, but not limited to, the removal of all debris and trash immediately after the activity.
- (7) An estimated total number of vendors, with a complete list of all vendors providing concessions no less than 15 days prior to the date of the event;
- (8) The amount, type, and location of signage as defined in the Unified Development Ordinance, Section A.4 Definitions;
- (9) The proposed noise level, frequency, and duration of music, PA systems, or other loud activities.

#### **Sec. 4-6. Insurance Requirements.**

- a) As a condition precedent to the issuance of a permit authorizing an activity, the applicant shall obtain public liability insurance that shall provide "occurrence" coverage against liabilities for death, personal injury or property damage arising out of, or in any way connected with, such activity. Such insurance shall be in the amount of at least \$1 million combined single limit, and shall name the Town of Nags Head, the Town's officers, employees, and agents, as additional insureds under the coverage afforded. In addition, such insurance shall be primary and non-contributing with respect to other insurance available to the Town and shall include a severability of interest (cross liability) clause. Proof of insurance shall be provided no less than 15 days prior to the date of the event.
- b) Waiver of insurance requirements; other. An applicant for an activity permit may request and obtain a waiver of this insurance requirement from the Office of the Town Manager. The applicant shall be required to submit a letter describing the reasons for the waiver request from the town manager with the activity application. The decision to waive the activity insurance requirement shall be made at the town manager's sole discretion and may not be appealed. Waiver requests shall be filed with the activity application.
- c) There shall be no insurance requirement for Group Demonstrations as defined in Article II of this ordinance.

#### **Sec. 4-7. Review of Application; Conditions to be Met.**

- a) The crowd permit coordinator shall, upon receipt of an application for a permit, review the application with the applicant or sponsoring organization to determine if the application is complete and/or to request more specific information concerning the items presented in the application.
- b) The crowd permit coordinator may request a meeting between the applicant and the crowd permit review team to review the permit application.
- c) In determining whether or not to issue a permit, the town manager shall consider the information required in the application, as well as any conflicts, or possible conflicts, with other events and performances; the burden placed by the event on public agencies; the adequacy of security, traffic control, and crowd control provisions; the health and safety conditions for attendees, and the capacity of the area designated for the event to contain the expected number of vehicles, participants and spectators.
- d) The town manager shall issue a permit when they find that the proposed activity will not unreasonably interfere with the rights of the general public in having free access along public ways and streets. After consultation with the police chief and other public officials, as deemed appropriate, that the proposed activity will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation; that adequate public services are available for security, traffic control, and crowd control; that the proposed activity is not reasonably anticipated to incite violence, crime or disorderly conduct, that the proposed activity will not entail extraordinary or burdensome expense or operations on the police department and other public agencies, and that the activities will not interfere with other scheduled events.
- e) In addition, the town manager must find that the provisions and plans for security, traffic control, and crowd control, health and sanitation, and all matters required to be included in the permit application are adequate and that the applicant and sponsor have the reasonable capability of carrying out such plans and preparations.

- f) Form of permit; conditions to be set out. The town manager, or their designee, after due consideration of the matters contained in this article, shall either grant or deny such permit. The granting of a permit shall be by letter to the applicant, setting out all conditions of the permit and incorporating any provisions or conditions in addition to statements and presentations in the permit application. Any deviation from the terms and conditions of the permit, or the approved statements contained in the application, or any misstatement of fact made in such application shall be grounds for immediate revocation of the permit at any time by the town manager.
- g) Standards.
- (1) A permit issued under this article shall be valid only for a period of seven consecutive days and may not be renewed or reissued prior to the passage of 25 days from the prior activity.
  - (2) All activities shall be contained either within the applicant's property or within property upon which the applicant has written permission from the owner to use.
  - (3) The Town reserves the right to approve, reschedule, deny, or place conditions on any event that proposes to use the public right-of-way and/or close a public street.
  - (4) Permits for crowd gathering activities may also be subject to the requirements of other agencies including, but not limited to, the Dare County Health Department, the North Carolina Department of Transportation, and/or the North Carolina Division of Coastal Management. Compliance with these requirements shall be demonstrated by the applicant no less than 15 days prior to the date of the event.
  - (5) If live music or an electronic sound amplification system is proposed with the activity, the applicant shall comply with article III, Chapter 16 of this Code.
  - (6) Signage. Signage is allowed in accordance with the following standards:
    - a. The total amount of signage shall not exceed 2,000 square feet in area. Such signage may be in a single sign or a combination of signs.
    - b. All signs shall be located within the boundaries of the area in which the activity will be held.
    - c. Signs shall not be located on Town owned property, except in instances where the activity is located on Town property.
    - d. Signs shall be displayed only during the time of the activity and shall be promptly removed by the permittee at the close of such activity.
    - e. Signs that are prohibited by the Unified Development Ordinance, Section 10.22.6 Prohibited Signs, will not be allowed as part of a crowd gathering activity.
    - f. Signs shall not be located in a manner that impedes the movement of pedestrians or life safety vehicles on the beach.
  - (7) No permit will be issued until all permit fees are fully paid in accordance with the Consolidated Fee Schedule.
  - (8) If a site inspection is a condition of approval, the applicant shall notify the Town two hours prior to the performance or event that the site is ready for inspection. The Town may inspect the site prior to, during, or after the performance or event to verify compliance with this chapter with the issued permit and all applicable Town regulations. Failure to make provisions for complying with this Code shall be grounds for revocation under this article.
  - (9) It shall be unlawful for any person to violate any provision of this section or to violate any term or condition of a permit issued pursuant to this section.
  - (10) The granting of any permit is not grounds for the violation of any other ordinance of the Town, and the applicant shall take whatever steps are necessary to comply with all ordinances of the Town for the duration of the activity.

**Sec. 4-8. Denials.** Any crowd gathering activity permit may be denied for the following reasons:

- (1) The application is not fully completed and executed.
- (2) The application has not met the tier deadline requirements.
- (3) The applicant has failed to comply with any term of this Chapter,
- (4) The applicant has failed to conduct a previously authorized crowd gathering activity in accordance with law or the terms of a permit, or both.
- (5) Superseding reasons for denial. Even when all conditions are met for approval of a crowd gathering activity permit, the permit may be denied when in the informed judgment of the crowd permit review team:
  - a. The special event is likely to create the imminent possibility of disorderly conduct likely to endanger public safety or to result in significant property damage;
  - b. The special event is likely to violate public health or safety laws including but not limited to trespassing, noise violations, unauthorized use of public or private property; or
  - c. The special event will likely result in violations of Town policy or law.

#### **Sec. 4-9. Appeals.**

- (a) If the town manager denies such permit, or subsequently revokes the permit, the applicant shall have seven days in which to appeal such denial or revocation to the board of commissioners. Such appeal shall be in writing, stating the grounds therefore and shall be addressed to the mayor of the town with a copy to the town manager. The board of commissioners shall hear the appeal at the next regularly scheduled meeting or regular adjourned session, whichever occurs first. The decision of the board of commissioners shall be final.

#### **Sec. 4-10. Special Requirements for Motorized Parades.**

- (a) *Event Organizer's Responsibilities.* There shall be one person designated on the crowd gathering permit application as the event organizer. This person will be the primary point of contact with the Town and shall be responsible for ensuring the event is carried out in accordance with the approved permit and all other town ordinances. The responsibilities of the parade event organizer are as follows:
  - (1) Ensure compliance with all requirements of this ordinance.
  - (2) Prepare a plan for the parade including a written Emergency Action Plan. This should include the following:
    - a. The parade route including starting and ending points;
    - b. Number, type, and order of participants;
    - c. Traffic control points;
    - d. Locations of sanitary facilities;
    - e. Spectator viewing areas;
    - f. Street closures and timing of closures;
    - g. Plan for emergency services to include EMS services;
    - h. Staffing requirements for the parade including marshals;
    - i. The Emergency Action Plan should address ways to mitigate risk for the event. It should also address communication issues, such as contact with parents or guardians in the event of an emergency involving a child.
  - (3) Obtain insurance coverage for the event in the minimum amount of \$2 million per occurrence/\$4 million aggregate and list the Town of Nags Head as an additional insured.
  - (4) Inform all parade participants of parade safety and participant rules.
  - (5) Collect and maintain records of required information from parade participants. The town manager or their designee will provide event organizers with a list of information that must be collected from each parade entry and may provide a proposed entry information form for this purpose. This may include the following items:
    - a. A Parade Entry Information Form must be submitted by each parade entry;
    - b. Documentation that parade participants received the parade safety information;
    - c. Proof of insurance from each vehicle operator and for each vehicle;
    - d. Signed copies of the Operator Safety Acknowledgment.
  - (6) Supervise the parade. Event organizers must be present to supervise the event throughout the parade.
  - (7) Units must be organized to provide reasonable distance between motorized parade units and units comprised of pedestrians or animals. Event organizers must anticipate issues that may slow normal parade progress and establish an order that considers these factors.
  - (8) Provide list of parade applicants/entries and any other operational information needed by law enforcement.
  - (9) Ensure the safety of all parade entries including trailers, floats, and vehicles. This shall include documenting compliance with state vehicle inspection and registration requirements. If vehicle is unable to be registered, provide safety plan for that vehicle.
- (b) *Requirements for Parade Units (Vehicles, Floats, Objects Towed).*
  - (1) Each operator must review, sign, and provide to the event organizer an Operator Safety Acknowledgment indicating that they understand the safety requirements set out in this section and will abide by them. The Operator Safety Acknowledgment must be in a form that is acceptable to the town manager or their designee.
  - (2) Operators must be at least 21 years old and must have a valid driver's license of the type required for the vehicle that they are operating.

- (3) Operators must be experienced in operating the type of vehicle they will be driving during the parade.
  - (4) Operators must be familiar with the parade route, including the location of turns, intersections, and where slowing is likely.
  - (5) Operators may operate their parade unit only after confirming it is in good working condition and safe to participate in the parade.
  - (6) Operators must ensure that valid automobile and/or liability insurance is in place for the vehicle they will operate during the parade.
  - (7) All trailers must be registered with the North Carolina Division of Motor Vehicles and display a current North Carolina registration plate, as required by N.C. Gen. Stat. §20-111. (1). Trailers that are registered in another state must show proof of compliance with that state's registration requirements.
  - (8) Operators must confirm that the vehicle they are driving is rated sufficiently to tow any float and passengers riding on it that they are assigned.
  - (9) Operators must obey all instructions from parade marshals and law enforcement officers along the route.
  - (10) Operators must ensure that their visibility remains unobstructed at all times when they are operating the unit.
  - (11) Operators will not consume or have consumed alcoholic beverages or take drugs or medication that will impair their ability to safely operate a parade unit.
  - (12) No open containers will be allowed in or on parade units.
  - (13) Operators must ensure that they are informed of the intended pace/speed of the parade and must maintain that pace.
  - (14) Operators must refrain from cell phone use, eating, smoking, or any other form of distracted driving. Passengers assisting the operator may utilize a mobile device or two-way radio for event-related communication purposes only. The purpose and function of the passenger is to observe the surroundings, assist the driver with outside, event-related communication, and keep a proper lookout during the event.
  - (15) Operators must not allow anyone within their parade unit to throw items, including candy, from their parade units.
- (c) *Passengers in Vehicles and on Floats.* Passengers in vehicles and on floats must comply with the following requirements:
- (1) Passengers may be seated at the top of the back seats in a convertible. All passengers must stay seated and wedge their feet under a seatbelt if one is available. No standing is allowed in a convertible vehicle. Any minors seated on the top of a convertible vehicle must be accompanied by an adult. The total number of individuals in a convertible must not exceed the total number of seatbelts if the vehicle has seatbelts.
  - (2) Passengers riding in the bed of a pickup truck are not permitted to sit on sides of the truck.
  - (3) Any additional seating in the bed of a pickup truck must be adequately secured.
  - (4) Minors riding in the bed of a pickup truck must be accompanied by an adult.
  - (5) Number of occupants in the vehicle are not to exceed the number of seatbelts if the vehicle has seatbelts.
  - (6) Children riding on floats must be supervised by an adult. The chaperone ratio for float passengers is not less than one (1) adult for every four (4) children. Children less than eighteen (18) years old may ride on or in a parade unit provided they are safely holding onto harnesses or tether devices, standing behind railings, or strapped into seat belts or car seats, as applicable.
  - (7) Float riders may not mount or dismount the float or tow vehicle when it is in motion.
  - (8) Rider seats must be secured to the float deck.
  - (9) Riders are prohibited from standing or riding on the edge of a float.
- (d) *Violations.* The event organizer is responsible for removal of parade participants that do not comply with these regulations and should take all reasonable steps to ensure compliance with applicable requirements. Law enforcement personnel may also remove parade participants not in compliance with these regulations as necessary. The Town may also remove any parade unit or participant from the event if there is a clear violation of North Carolina vehicle safety requirements. Participants in violation of this ordinance may be restricted from future participation in the parade event. The Town may also levy a civil penalty in the amount of \$500 to the event organizer for violations of this ordinance.

#### **Sec. 4-11. Events Exceeding Expected Attendance.**

Any event for which a permit would be required, and no permit is applied for, shall immediately be cancelled and all participants with their associated equipment shall be disbursed from the site. It is expected that the sponsor will act in compliance with this section on their own initiative.

#### **Sec. 4-12. Disclaimer of Liability.**

In no event shall the issuance of a permit under this article make or cause the Town to be deemed a sponsor of the event. Further, the Town shall incur no liability for any injury to person or property arising out of any events regulated by this article. Further, as a condition of any permit issued pursuant to this article, the applicant and sponsor shall hold the Town harmless and indemnify the Town for any liability incurred as the result of a valid judgment in a court of law. It is further provided as a condition of any permit issued hereunder that the applicant shall defend the Town against any action filed against it arising out of any event for which a permit is issued.

#### **Secs. 4-13—4-50. Reserved.**

### **ARTICLE II. GROUP DEMONSTRATIONS**

#### **Sec. 4-51. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Block* means that portion of any street lying between its intersection with other streets.

*Defamatory* means false or untrue statements made or published by the speaker to a third-party which the speaker intends to result in harm to a person's reputation which actually results in or is likely to result in harm to another's reputation or dignity.

*Group demonstration* means any assembly or concert of action for the purpose of protesting or demonstrating for or against any matter, or of making known any position or promotion of such persons or matter, or of or on behalf of any organization, group, corporation or class of persons, or for the purpose of attracting attention to such assembly.

*Obscene* or *Obscenity* means materials to which the average person, applying contemporary community standards, would find appeals to prurient interests and depicts or describes, in a patently offensive way, sexual conduct which lacks serious literary, artistic, political, or scientific value.

*Procession* means any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks or other public grounds or places in the town.

*Picket line* means a group of persons formed together for the purpose of making known any position or promotion of such persons, or of or on behalf of any organization, group, corporation or class of persons.

#### **Sec. 4-52. Prohibited acts and regulations.**

The following acts or activities, when performed or undertaken in conjunction with or as a part of any procession, picket line or group demonstration, are hereby prohibited and declared unlawful:

- (a) *Carrying weapons.* The carrying on or about the person of any firearm or any weapon or article including, but not limited to, blackjacks, nightsticks or flashlights, which by their use might constitute a deadly weapon, as prohibited under N.C. Gen. Stat. § 14A-277.2.
- (b) *Taking or keeping of vicious animals.* The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.
- (c) *Location.* Group demonstrations, processions, and picketing may be conducted only on the areas, shoulders or sidewalks reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic. Any such activity must also be conducted at least one-hundred feet away from any storefront or financial institution open to the public, and any automatic teller machine or other machine at which money is dispensed to the public.
- (d) *Signs and pickets.* Individual signs, pickets, or other written or printed placards must not exceed nine square feet, and must not contain content which is obscene, defamatory, creates a clear and present danger to the health, safety, and welfare of the general public, or is directed at inciting or producing imminent lawlessness which is reasonably likely to incite or produce such imminent lawlessness. Signs, pickets, or other written or printed placards shall not be mounted, installed, or affixed in the dedicated right-of-way at any time.
- (e) *Use of Right of Way.* Participants in a group demonstration, procession, or picket shall be at least ten feet from the paved or running surface of all highways and streets where no sidewalks are provided, shall remain on the dedicated right-of-way of any highway or street. Where sidewalks or curblines are provided, participants shall not be allowed closer than four feet to the curbline.
- (f) *Allocation of time among separate groups.* If individuals engaging in group demonstrations, processions, or picket lines promoting different objectives or ideas desire to use the same sidewalk or shoulder, and such use would result in the presence of more than ten signs, pickets, or other written or printed placards thereon, the police chief or their designee shall allot time to each group for the use of such sidewalk on an equitable basis.

- (g) *Obstruction of Traffic.* No group demonstrations, processions, or picket lines shall be allowed in the travelled portion, including the shoulders and median, of any street, highway, or right-of-way in such a way to obstruct vehicular or pedestrian traffic. Nor shall any group demonstrations, processions, or picket lines occurring on a sidewalk or multi-use path obstruct or prevent any person from travel along or access through the area.

**Sec. 4-53. Interference with activity conducted under authority of permit.**

No person shall hamper, obstruct, impede or interfere with any procession, picket line or group demonstration being conducted under the authority of a permit duly issued by the police chief or their designee.

**Sec. 4-54. Exemptions.**

The provisions of this article shall not apply to:

- (a) Funeral processions;
- (b) Students going to or from school classes or participating in educational or recreational activity where such activity is under the supervision and direction of proper school authorities;
- (c) Any governmental agency acting within the scope of its functions.

**Sec. 4-55. Permit Required.**

It shall be unlawful for any person to organize, conduct or participate in any procession, picket line or group demonstration in or upon any street, sidewalk, alley or other public place within the town unless a permit therefor has been issued by the Town in accordance with the provisions of this article; provided that groups of less than fifteen individuals engaging in processions, picketing, or group demonstrations need not obtain a permit.

**Sec. 4-56. Powers and duties of police chief; contents of permit.**

The police chief or their designee is authorized to issue permits as required in this division, and in the issuance thereof they shall:

- (a) Application. Require a written application for such permit to be filed not less than 72 hours in advance of such procession, picket line, or group demonstration. Such application shall be on a form prescribed by the police chief, shall require the application to be signed by the applicant, and shall require that the applicant show the applicant's name, address, affiliated organization, if any, phone number, and email address, the proposed time, place, purpose and size of such procession, picket line or group demonstration and whether or not any minor below the age of 18 years shall participate. Gatherings or demonstrations which are open to the public and drawing or likely to draw more than 100 participants must also obtain a crowd gathering activity permit as required under Article I of this chapter. In no instance shall an application for a group demonstration be required to be submitted more than 30 days from the date of the event. Failure to obtain a crowd gathering activity permit, if applicable, shall be grounds for the police chief or their designee to refuse to issue a permit.
- (b) Refusal to issue. Refuse to issue such permit when the activity or purpose stated in the application would violate any law or ordinance of the town or state law.
- (c) Participation of minors. Specify in the permit whether or not minors below the age of 18 years will be permitted to participate.
- (d) Person in charge of activity. Require that the application for a permit shall specify and the permit shall designate the person in charge of the activity. Such person shall be required to accompany the procession, picket line or other group demonstration and shall carry such permit with them at all times. Such permit shall not be valid in the possession of any other person.
- (e) The police chief or their designee shall determine whether the applicant has provided all information required in this Section and complied with other applicable provisions of federal, state, and local laws and, if so, shall issue the permit without undue delay, but in no event less than 48 hours after receipt of the application. The police chief or their designee shall only deny a permit sought in accordance with this Section if the application is incomplete, the applicant has furnished false or untrue information in his application, or the applicant has failed to comply with another provision of federal, state, or local law governing permit requirements or the proposed activity.
- (f) Contents. The permit issued by the police chief or their designee shall set the starting time, duration, speed of travel and space between persons or vehicles in the procession, picket line or group demonstration, shall prescribe the portions or areas of streets, alleys, sidewalks or other public places to be used, and shall impose such other reasonable requirements as the police chief or their designee may prescribe for the control and free movement of pedestrian and vehicular traffic, or for the health, safety and property rights of the participants and the general public.

**Sec. 4-57. Revocation.**

The police chief shall revoke any permit granted for a procession, picket line or group demonstration for any of the following causes:

- (a) The violation by any participant of sections 4-52 or 4-53 of this Article, or other any other applicable federal, state, or local law; or
- (b) The failure of the applicant to furnish a copy of the permit issued by the police chief or their designee in response to a lawful request by law enforcement or a Town official.

**Sec. 4-58. Enforcement.**

It shall be unlawful to violate any provision of this Article. Violations shall be a misdemeanor and punishable as provided in G.S. 14-4 in the discretion of the presiding judge. In addition to or in lieu of any criminal enforcement, the Town or any aggrieved person may pursue applicable civil remedies deemed appropriate and necessary.

**PART II.** That **Section 26.13 Town of Nags Head Park Use Regulations**, be amended as follows:

The regulations contained in this section shall apply to Town Park, located at 415 West Health Center Drive, Dowdy Park, located at 3005 South Croatan Highway, the Harvey Soundside Access located at 6912 South Croatan Highway, the Dog Park located at 227 West Satterfield Landing Road, and Whalebone Park located at 7300 South Virginia Dare Trail.

- (1) Hours of operation. The parks shall be open every day from an hour before sunrise to an hour after sunset.
- (2) Commercial activity. Commercial activity within the parks, including, but not limited to, the vending and the solicitation of products or services, is prohibited.
- (3) Events or activities. Organizations, groups, or private individuals who wish to schedule an event or activity may do so only in accordance with the Town of Nags Head's Use of Town Parks Policy [or Use of Dowdy Park Policy](#), as amended.
- (4) Pets. Except as otherwise provided in this section, pets must be on a leash at all times. Owners must clean up after pets.
- (5) Alcoholic beverages. The use and possession of alcoholic beverages is prohibited within the parks, except as otherwise permitted as part of a Town sponsored/authorized event. The sale and distribution of alcohol shall be prohibited at all times. For the purposes of this section, alcoholic beverages means any beverage containing at least 0.5 percent alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor and mixed beverages.
- (6) Smoking. The use of cigarettes, cigars, or similar products is prohibited.
- (7) Littering. Littering or dumping of waste within the park is prohibited. All waste shall be disposed of in waste containers.
- (8) Fireworks. Fireworks (including sparklers) are prohibited within the parks.
- (9) [Firearms. Firearms, concealed or otherwise, are prohibited in Town parks.](#)
- (10) Children. Children under the age of 12 shall be under the supervision of an adult who is physically present within the park.
- (11) Open fires/grills. Open fires shall be limited to the permanently installed grill facilities located at the parks.
- (12) Damage to Town property. It shall be unlawful for any person to damage Town property, including, but not limited to, defacement of property with graffiti, damaging furniture or fixtures, or damaging trees or vegetation within the park.
- (13) Bicycles/rollerblades/skateboards/scooters. Except as otherwise provided in this section, the use of bicycles, rollerblades, skateboards, scooters and similar apparatus is strictly limited to the sidewalks and walkways within the parks. Use of bicycles, rollerblades, skateboards, scooters and similar apparatus on playground equipment, play dunes, or on the lawn areas is strictly prohibited. Use of skateboards at Dowdy Park shall be prohibited.
- (14) Motorized vehicles. Motorized vehicles of any kind, whether powered by gasoline, diesel or other fuel source, batteries, or similar devices, are allowed only in designated parking areas within the park and are prohibited within other areas of the park. This prohibition shall not apply to town employees or contractors working on behalf of the Town, or to persons who are required to use a motorized vehicle due to a disability.
- (15) Tents, umbrellas. The erection of tents, umbrellas, or similar products not associated with an approved activity is prohibited within the parks. When approved by the Town as part of a scheduled activity, tents shall be secured with sandbags or weights. No stakes shall be used in lawn areas.
- (16) Dog Park.
  - (a) Dogs shall remain leashed until securely inside the dog park.
  - (b) Owners are legally responsible for the actions and behavior of their dog(s). Owners shall be within the dog park and supervising their dog(s) at all times.
  - (c) Aggressive dogs shall be leashed and removed from the dog park immediately. Dogs that have been previously declared dangerous shall be prohibited from entering the dog park.

- (d) Dogs in heat and puppies under four months of age are not allowed within the dog park.
- (e) Dogs shall be licensed and vaccinated for rabies and DHLPP. Current license and rabies tags shall be worn on the dogs collar at all times.
- (f) There shall be a limit of three dogs per person within the dog park.
- (g) Food (dog or human) and glass containers shall not be allowed within the dog park.
- (h) Owners shall fill all holes dug by their dog and immediately pick up and dispose of any dog waste left by their dog.
- (i) All dogs and owners use the dog park at their own risk.

**PART III.** That **Section 1-6, General Penalty; enforcement of ordinances; continuing violations**, be amended as follows:

(b) Violations of any provision of the following chapters and sections of this Code or the Unified Development Ordinance shall be a misdemeanor and punishable as provided by G.S. 14-4:

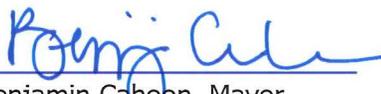
- (1) Chapter 4, articles I and II, III, and VI and chapter 26, subsection 26-8(b);

**PART IV. Severability.**

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

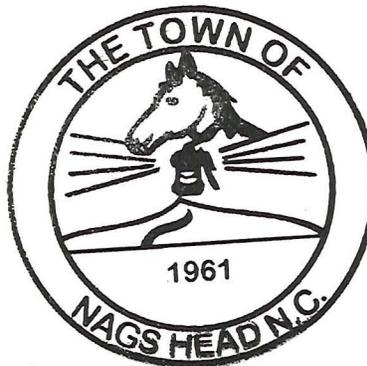
**PART V. Effective Date**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the **3<sup>rd</sup>** day of **December 2025**.

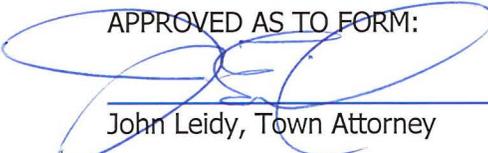
  
Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:

  
Brittany A. Phillips, Town Clerk



APPROVED AS TO FORM:

  
John Leidy, Town Attorney

Date adopted: December 3, 2025

Motion to adopt by Commissioner \_\_\_\_\_

Motion seconded by Commissioner \_\_\_\_\_

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_